IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.16513 of 2002

Dated: 15th June, 2006

Between:

The Peapully Gram Panchayat,
represented by its Secretary (Executive Officer),
Peapully, Kurnool district.

.. Petitioner

and

The Agricultural Market Committee,
Dhone, Kurnool district, rep. by its
Secretary.

.. Respondent

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ORDER:

In spite of service of notice on the respondent, no counter is filed though the matter was adjourned several times for want of counter.

The only complaint of the petitioner is that the Respondent-Market Committee had taken over the Tomato market of the petitioner

Gram Panchayat, but the petitioner was not paid any compensation as contemplated under Section 29(2) of the A.P. (Agricultural Produce & Livestock) Markets Act, 1966 (for short 'the Act').

The petitioner is the Peapully Gram Panchayat, represented by its Secretary. The case of the petitioner is that petitioner is a major Gram Panchayat and every month, it is spending Rs.26,000/- towards electricity charges, Rs.10,000/- towards water supply and maintenance and Rs.5,000/- towards sanitation and apart from the above, it is also incurring miscellaneous expenditure in its day to day work. To meet this expenditure, the source of income to the Gram Panchayat is mainly from auctioning the markets. Apart from the licence fee obtained by auctioning the markets, the Gram Panchayat gets a monthly income of Rs.6,000/- by way of rents from its shops. The Gram Panchayat auctioned the Tomato market for the year 2001-2002 for Rs.2,20,000/-, but the respondent by order dated 11.6.2002 requested the petitioner to stop the auctioning of tomato market for the year 2002. Subsequently, respondent had taken over the Tomato market and in spite of repeated requests made by petitioner-Gram Panchayat no compensation was paid. Hence the writ petition.

Having regard to the facts and circumstances of the case, without expressing any opinion on merits, the respondent-Agricultural Market Committee is directed to consider and dispose of the representation filed by the petitioner-Gram Panchayat seeking compensation under Section 29(2) of the Act. However, if such a representation is not available, the petitioner is at liberty to file fresh application within a period of three weeks from today and on such application, the respondent shall pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of such application.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 15.6.2006

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